

Chatham Township Environmental Commission
58 Meyersville Rd, Chatham, NJ 07928, 973-635-4600
Minutes of the Tuesday, November 10, 2015

The meeting of the Chatham Township Environmental Commission convened at 7:22 pm on Tuesday, November 10, 2015 at the Township Municipal Building. In attendance were CTEC members Steve Carroll, Frank Esposito, Maureen Kelly, Marilyn Murray, Dot Stillinger and Township Committee Liaison Karen Swartz. Absent: George Crimmins, Matt Palmer, and Don Travisano.

CTEC'S PURPOSE: To undertake projects and make recommendations concerning the protection or use of natural resources, including water resources and air quality, located within or directly affecting Chatham Township.

The Chatham Township Environmental Commission's goal is to provide a responsible environmental viewpoint to Township committees and boards and to undertake projects with a strong educational component in order to inform officials and residents about constructive actions that can be taken to preserve the environment.

OPEN PUBLIC MEETING STATEMENT - The meeting schedule for 2015 and January 2016 is posted on the main bulletin board at the Township municipal building and on the Chatham Township website at www.chathamtownship.org. The public is cordially invited to attend all meetings, join the discussions and participate in projects.

DATES FOR CTEC AND GREEN TEAM MEETINGS IN 2015 AND JANUARY 2016

Every first or second Tuesday February through December 2015 and the second Tuesday in January 2016. Dates are: February 3, March 3, April 7, May 5, June 9, July NO MEETING, August MEETING CANCELED, September 8, October 6, November 10, December 1 in 2015 and January 12, 2016.

DATES FOR CTEC AND GREEN TEAM MEETINGS IN 2016 AND JANUARY 2017

Every first or second Tuesday February through December 2016 and the second Tuesday in January 2017. Dates are: February 2, March 1, April 5, May 3, June 14, July NO MEETING, August 2, September 6, October 4, November 1, December 6 in 2016 and January 10 in 2017.

Steve Carroll motioned to approve the October 6, 2015 CTEC and Green Team minutes and Frank Esposito 2nd, with all in favor.

Chair Dot Stillinger suggested a Land Use Subcommittee to meet at 6:30 before monthly environmental meetings to review plans related to new applications. This is optional for all commission members to attend. The members were in agreement.

GREEN TEAM MEETING (7:25-7:35) S. Carroll, Green Team Chair and CTEC Vice Chair.

Reviewed new actions for Sustainable Jersey re-certification for 2018. Chatham Boro is certified as silver, the township should be able to attain silver status as well. Steve suggested for members to look at Sustainable Jersey website and review the boro's report for possible items to achieve as the two towns commingle events and programs. www.sustainablejersey.com

Dot Stillinger motioned for the Environmental Commission to work towards achieving silver status in 2018, and Frank Esposito 2nd with all in favor.

-State of New Jersey State Concurrent Resolution No. 180 - Determines that DEP's proposal to revise Flood Hazard Area Control Act Rules, Coastal Zone Management Rules, and Storm water Management Rules is inconsistent with legislative intent.

Members discussed supporting SCR # 180 and also noted that this resolution would prevent further encroachments into wetland and riparian buffers.

Frank Esposito motioned to approve letter and Steve Carroll 2nd with all in favor, with edit to letter to include "One third of town is located in the Great Swamp".

For these reasons the Environmental Commission applauds the adoption of New Jersey Senate Resolution SCR180 by the Senate and supports to Senator Codey, Assemblywoman Jasey, Assemblyman McKeon and urges its passage by the full legislature and approval by the governor.

WQMP (Water Quality Management Plan)

- NJDEP has proposed new rules weakening conditions for sewers and septic tanks in environmentally sensitive areas. Marilyn Murray motioned to **Approve** letter in opposition to be written by D. Stillinger and circulated to CTEC for editing before being sent to NJDEP and various legislators, and Frank Esposito 2nd, with all in favor. Comments have to be received by the NJDEP by December 18.

Summary - the Department is reducing the number of analysis required, and revising the timing of their required submission, simplifying the water quality planning process, and committing to providing assistance to local communities as necessary to address water quality issues within particular communities. The Department will no longer mandate that the WMP agencies conduct all of the analyses previously required as part of the WMP, or that local communities downzone or enact nonpoint source pollution prevention ordinances as a condition of WMP adoption. Determinations regarding the land use impacts of future development and the means to address wastewater treatment needs are more appropriate at the permitting stage, when detailed site specific information is available. While the information and analyses required under the existing 2008 rules are valuable, it is not necessary to require all of it during the planning process. At the planning stage, it is a more appropriate use of Department resources to focus on delineating sewer service areas and to work collaboratively with local governments to identify unmet capacity needs and to evaluate nitrate loads."

- Safe Routes to School (SRTS) - sidewalk program has addressed environmental concerns towards trees, although, they would have liked more trees saved. No further comments are necessary.

APPLICATION/ENVIRONMENTAL PERMIT REVIEW

- Golden River Homes, LLC, 11 Sunset Drive, Block 61 lot 16. Complete 6/13/2014. Application to the Board of Adjustment for steep slope variance. The lot is vacant and slopes steeply down toward Fairmount Ave. Memo sent to Board of Adjustment on August 20, 2014 was approved by CTEC. **Special meeting of the BOA on November 12.**

- 43 Susan Drive, Mariam Vaziri, Block 20 Lot 15. Front yard, steep slope, height of principal building, setback distance of a structural retaining wall and maximum height of structural retaining wall variances to construct a single family dwelling. Continuation...The BOA approved application on 10-14-15. **CLOSED.**

- 446 Green Village Road, Block 144, Lot 50, June 12, 2015. Application to NJDEP for permit to repair a failing septic system. The house is unoccupied and in disrepair, and the lot is almost entirely in the buffer and floodplain for Loantaka Brook. The Morris County Park Commission declined to purchase the property. In the past CTEC has sent comment letters to the NJDEP about other applications for this property. Additional information requested by NJDEP, no determination yet made. **Approve letter to NJDEP.** Frank Esposito motioned to approve letter to NJDEP, Steve Carroll 2nd with all in favor.

- Nash Field, Block 48.17, Lot 126.01, August 3, 2015. Application to the NJDEP for an LOI. The area is wet, which has prevented trails from being developed. No comment needed at this time. Depending on the final wetland boundary CTEC may want to think about the possibility of a trail. CLOSED.
- New Providence Ave., Summit, NJ, August 4, 2015. Application to NJDEP for permit renewal for a solid waste transfer station. The technical review is proceeding and comments are being solicited by the NJDEP. No comment needed. CLOSED.
- 78 Loantaka Lane North, Block 141, Lot 3, September 14, 2015. Application to the NJDEP for an LOI. The lot is on the east side at the end of Loantaka Lane North and adjoins Morris County parkland and land preserved by the Harding Land Trust. The area is wet and several homes along the street have mounded septic systems. **Approve letter to NJDEP.** Frank Esposito motioned to approve letter to NJDEP, Steve Carroll 2nd with all in favor.
- 614 Spring Valley Road at the corner of Spring Valley Rd. and Loantaka Lane North. Chatham Township, Block 140, Lot 4.03. Harding Township, Block 3, Lot 4. Request for an extension of a LOI issued in 2010. About 8 acres are in Harding Township and about 0.4 acres are in Chatham Township in the R-1 (2.5 acre) zone. There is a conservation easement held by the Harding Land Trust on the rear 6 acres of the parcel including the corner in Chatham Township. CTEC sent a comment letter to the NJDEP in 2010 regarding a request to disturb a swale for lawn maintenance. Application for the swale disturbance was denied 1-29-10 and the application was withdrawn 10-20-10. Currently the LOI application is undergoing review by the NJDEP for Threatened and Endangered Species (T&E Spec). **Approve letter to NJDEP.** Frank Esposito motioned to approve letter to NJDEP, Steve Carroll 2nd with all in favor.
- 333 Green Village Road, Block 48.17, Lot 131, June 12, 2015. Application to NJDEP for permit to replace a failing septic system. Approved by NJDEP 6-17-15. CLOSED.
- 100 Westminster Road, Block 48.10, Lot 11, May 14, 2015. Application to NJDEP for LOI, General Permit and Individual transition area waiver to construct a new house. Application approved by NJDEP 7-9-15. CLOSED.
- 463 River Road, Block 63, Lot 20, 8-12-15. Application to NJDEP for permits for house addition, septic system repair. Parcel backs up to Passaic River and is adjacent to a 24 acre tract owned by Chatham Township. No comment necessary. CLOSED.
- 697 Fairmount Avenue, Block 61 Lot 10. Bhee properties, LLC. Application to Planning Board for minor subdivision with variances for steep slopes. This application has been on-going for 4 years. The property is adjacent to both Sunset Drive and Fairmount Avenue. The steep slope issues are similar to those on Susan Drive. **Approve letter to Planning Board.** Frank Esposito motioned to approve letter to the Planning Board, Steve Carroll 2nd with all in favor. Site visit Saturday, Dec. 5, 9 am.

REPORTS

- Township Committee and Board of Health
Township Committee has been discussing Fair Share Housing.
K. Swartz, Township Committee and Board of Health liaison.
- Open Space Committee
Marilyn Murray, Open Space liaison.
- OSC working on trail layout for Averett property to present to the Township Committee.
- Communications Committee
F. Esposito, Chair.
- Any EC member wanting to post material on the EC website should forward the items to F. Esposito who will work with Township Web administrator Tom Salvas.
- Recycling Committee

F. Esposito, Chair, and M. Murray

- Tonnage report 2010 through July 2015. Eleven tons of recycling was rejected because of snow mixed in with recycling. Covering/protection to paper recycling at Tanglewood is needed. Frank will look into linking MUA (Morris County Municipal Utilities Authority) to Ctec webpage.

- Community Education and Outreach Committee.

F. Esposito, Chair. Possible problem with e-mail program, Frank will look into.

- Conservation Easement Subcommittee - D. Stillinger and M. Murray.

- What is the procedure if a violation of a conservation easement is observed?

- CTEC should pursue a mechanism for conservation easement monitoring and recording.

- According to remarks made at the October 22 meeting of the Township Committee a memo by Carl Woodward, former Township attorney, states that conservation easements required by the Planning Board but not accepted by the Township can be vacated at will by the Township. The opinion was delivered in connection with litigation concerning the walking easement between Pine Street and Linden Lane. The opinion also applies to an easement required by the Planning Board on a parcel on River Road on steep slopes that was proposed for a cell tower, subsequently built on Esternay Field. That conservation easement extends across the rear steep portions of a four lot subdivision proposed by Nicholas Parisi and approved by the Planning Board in 1995. Suggest that CTEC urge the Township Committee to accept the 4 conservation easements.

- Should conservation easements on small parcels allow invasive species removal?

NOTES AND DISCUSSION

The Morris County Mosquito Commission routinely sprays Bti from airplanes on many waterbodies in the county. Note that Roundup is once again considered a carcinogen by the FDA.

- Updated Environmental Commission enabling ordinance

Review the draft of the proposed updated ordinance. The current Township environmental commission ordinance was adopted in 1968 immediately after the State of New Jersey first passed a law enabling environmental commissions. The State subsequently refined its statute. The proposed updated Chatham Township ordinance conforms to current State law, includes the ANJEC recommendation to remove the provision that ECs can acquire property, includes a couple of changes found in the ordinances of other towns, and alters language to be gender-neutral ("he" to "he or she"). G. Crimmins.

- Wells in the Township

- Online information from the NJDEP.

- New and very good NJDEP website for maps, parcels and environmental information at NJ-GeoWeb, <http://www.state.nj.us/dep/gis/geoweb splash.htm>. Use Internet Explorer, not Chrome.

- Very good Morris County mapping utility at <http://morrisgisapps.co.morris.nj.us/apps/parcelsearcher.html>, hit Map or Advanced Data Search. Gives information about each parcel and has aerials layer.

- Discussion about requiring subdivision and site plans and related documents to be submitted in pdf format. If that happens CTEC should be on the list to receive all pdf plans and documents. Currently the township requires applicants to submit 25 paper copies of every sheet and document, which amounts to a large stack of paper and is costly for the applicant.

- Possible projects for grants. Trails on the Green Village Pond Conservation Area? Nash Field to Green Village Road?

- Waiting for the report card from Joe Dunn of the Morris County Soil Conservation District (www.mcsd.org/) on how Chatham Township is doing on its soil and sediment erosion control. Chatham Township, by means of its lot grading plan requirement, is one of four Morris County towns that assume the responsibility for soil and erosion management instead of leaving it to the county.

- Note final Comprehensive Conservation Plan for Great Swamp National Wildlife Refuge. Option B was chosen. Hunting, including for turkeys, will be allowed, but no horses (riding, not hunting). Management

areas will be consolidated into larger but fewer parcels. Public meetings were held in June. Read the Plan at http://www.fws.gov/refuge/Great_Swamp/what_we_do/conservation.html. The damage caused by a car driving up the wooden entrance ramp and into the front wall of the Fenske Visitor Center is being repaired.

RECENT LETTERS SENT

- January, 2015. Letter to PSE&G urging denial of permission to use their ROW for the proposed Pilgrim pipeline.
- February, 2015. Memo to Board of Adjustment concerning The Farm at Green Village suggesting conditions on the approval to better protect wetlands.
- March 2015. Memo to NJDEP urging oversight of JCP&L contractors doing vegetation removal in ROWs. Letter of support to NJDEP in support of GSWA's application for a 319 grant for storm water remediation at Seaton Hackney.
- April, 2015. Memo to Planning Board noting more than double the existing impervious cover proposed for a subdivision on Rose Terrace.
- May, 2015. Letter to NJDEP urging caution in granting permits to Verizon for communication equipment at the base of a PSE&G tower on Southern Boulevard because of nearby wetlands. Memo to Board of Adjustment suggesting a conservation easement on steep slopes on a Susan Drive parcel.

EVENTS

- **Special meeting of the BOA on November 12.**

MAIL RECEIVED

- Minutes of meetings of Long Hill Environmental Commission.
- Notices and flyers.

ADJOURN 8:48

Carolyn Scannelli